

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON AT SEATTLE

BRIDGETT AMADECK and FELIX N.  
HANSEN,

Plaintiffs,

vs.

CAPITAL ONE FINANCIAL  
CORPORATION and CAPITAL ONE BANK  
(USA), N.A.,

Defendants.

No.

DEFENDANTS' NOTICE OF REMOVAL  
OF ACTION PURSUANT TO  
28 U.S.C. §§ 1331, 1367, 1441, AND 1446

(Removed from King County Superior Court  
Case No. 12-2-02641-6 SEA)

**PLEASE TAKE NOTICE** that defendants Capital One Financial Corporation and  
Capital One Bank (USA), N.A. (collectively, "Capital One") hereby remove to this Court the  
state-court action described below. In support of its removal, Capital One states as follows:

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**I. INTRODUCTION AND STATEMENT OF FACTS**

On January 23, 2012, plaintiffs Bridgett Amadeck and Felix N. Hansen filed a lawsuit  
in King County Superior Court, Case No. 12-2-02641-6 SEA. *See*, Declaration of Paul Smith

1 in Support of Defendants' Notice of Removal, Exhibit A. Capital One was served with a copy  
2 of plaintiffs' Complaint on January 24, 2011. *See*, Declaration of Paul Smith, Exhibit B.

3 Plaintiffs' Complaint against Capital One is a putative class action involving alleged  
4 violations of the Telephone Consumer Protection Act ("TCPA"), 47 U.S.C. § 227, and the  
5 regulations enacted to implement the TCPA, 47 C.F.R. § 64.1200. (Complaint ¶¶3.1-3.6.) The  
6 Complaint also involves alleged violations of Washington's Automatic Dialing and  
7 Announcing Device ("ADAD") statute, R.C.W. 80.36.400, Washington's Do-Not-Call  
8 statute, R.C.W. 80.36.390, and the Washington Consumer Protection Act ("WCPA"), R.C.W.  
9 19.86. (Complaint ¶¶3.7-3.12.) It seeks relief under the Washington Declaratory Judgment  
10 Act, R.C.W. 7.24.010. (Complaint ¶¶3.13-3.15.)

11 Capital One files this Notice of Removal on February 13, 2012. The Notice of  
12 Removal is timely filed under 28 U.S.C. § 1446(b) because it has been filed "within 30 days  
13 after the receipt by the defendant, through service or otherwise, of a copy of the initial  
14 pleading setting forth the claim for relief upon which such action or proceeding is based." *Id.*

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## 16 II. BASIS FOR REMOVAL

### 17 A. There Is Federal Question Jurisdiction Under 28 U.S.C. § 1331.

18 This Court has original federal question jurisdiction over this putative class action  
19 pursuant to 28 U.S.C. § 1331. The TCPA, 47 U.S.C. § 227, and its associated regulations, 47  
20 C.F.R. § 64.1200, are federal law, over which the federal courts have federal question  
21 jurisdiction. *See Mims v. Arrow Fin. Servs., LLC*, 132 S. Ct. 740, 753 (2012).

1     **B.     There is Supplemental Jurisdiction Under 28 U.S.C. § 1367.**

2             This Court has supplemental jurisdiction over plaintiffs' state law claims under 28  
3     U.S.C. § 1367, because plaintiffs' allegations arise from and are part of the same case or  
4     controversy as the federal question. Therefore, this action is one which can be removed to this  
5     Court by Capital One under 28 U.S.C. § 1441(a) and (c).

6     **C.     Notice of Removal Was Timely Under 28 U.S.C. § 1446(b).**

7             Capital One first received a copy of the Complaint filed by plaintiffs no earlier than  
8     January 24, 2012. *See*, Declaration of Paul Smith, Exhibit B. This Notice of Removal, which  
9     has been filed less than 30 days later, is thus timely under 28 U.S.C. § 1446(b).


10    **D.     Capital One's Notice of Removal Complies With the Applicable Local Rules and**  
11    **Venue Is Proper in the Western District of Washington Under 28 U.S.C. § 128(b).**


12            This Notice of Removal complies with all applicable Federal Rules of Civil Procedure  
13    and Local Rules. Venue is proper in this District under 28 U.S.C. §§ 128(b) and 1441(a)  
14    because this District encompasses King County, wherein plaintiffs filed the state court action  
15    being removed. Capital One is serving plaintiffs' counsel with copies of this Notice of  
16    Removal and will serve notice of the removal upon the Clerk of the Court in the King County  
17    Superior Court.

18            Capital One expressly reserves its right to raise all defenses and objections to  
19    plaintiffs' claims after the action is removed to this Court.

DATED this 13th day of February, 2012.

FORSBERG & UMLAUF, P.S.

By:   
John B. Hayes, WSBA #21009  
Email: [JHayes@forsberg-umlauf.com](mailto:JHayes@forsberg-umlauf.com)

By:   
Paul S. Smith, WSBA #28099  
Email: [PSmith@forsberg-umlauf.com](mailto:PSmith@forsberg-umlauf.com)

Attorneys for Defendants Capital One  
Financial Corporation and Capital One Bank  
(USA), N.A.  
Forsberg & Umlauf, P.S.  
901 Fifth Avenue, Suite 1400  
Seattle, WA 98164-2050  
Telephone: (206) 689-8500  
Facsimile: (206) 689-8501

and

Aaron D. Van Oort\* MN #315539  
[Aaron.VanOort@FaegreBD.com](mailto:Aaron.VanOort@FaegreBD.com)  
Erin L. Hoffman\* MN #0387835  
[Erin.Hoffman@FaegreBD.com](mailto:Erin.Hoffman@FaegreBD.com)  
2200 Wells Fargo Center  
90 South Seventh Street  
Minneapolis, MN 55402-3901  
Telephone: (612) 766-7000  
Facsimile: (612) 766-1600

*\*Applications for Admission  
Pro Hac Vice forthcoming*

**CERTIFICATE OF SERVICE**

The undersigned certifies under the penalty of perjury under the laws of the State of Washington that I am now and at all times herein mentioned, a citizen of the United States, a resident of the State of Washington, over the age of eighteen years, not a party to or interested in the above-entitled action, and competent to be a witness herein.

On the date given below I caused to be served the foregoing DEFENDANTS' NOTICE OF REMOVAL OF ACTION PURSUANT TO 28 U.S.C. 1331, 1367, 1441, AND 1446 on the following individuals in the manner indicated:

Ms. Kim Williams  
Mr. Rob Williamson  
Williamson & Williams  
17253 Agate Street NE  
Bainbridge Island, WA 98110  
Facsimile: 206-780-5557

☒ Via U.S. Mail  
☒ Via Facsimile  
☐ Via Hand Delivery  
☒ Via ECF

SIGNED this 13<sup>th</sup> day of February, 2012, at Seattle, Washington.

